

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ELIJAH DOMINGUEZ

Plaintiff,

v.

NO. 14-CV-875-MV/LAM

COLFAX COUNTY, et al.,

Defendants.

**ORDER GRANTING STIPULATED MOTION FOR PROTECTIVE ORDER
TO KEEP SPECIFIED RECORDS CONFIDENTIAL**

THIS MATTER is before the Court on the Stipulated Motion for Protective Order [*Doc. 60*], filed November 10, 2015. Having considered the motion, the Court **FINDS** that good cause exists for the entry of the Protective Order based upon the agreement of the parties.

IT IS THEREFORE ORDERED that:

1. Any party disclosing information or materials may, at any time prior or subsequent to disclosure, identify and mark material as “CONFIDENTIAL,” provided a good faith basis exists for deeming the material Confidential and that this designation is expressly made by notation on the material itself or in a letter accompanying the disclosure of the material.
2. All Confidential Information produced or exchanged in the course of discovery in this litigation shall be used solely for the purpose of this litigation by attorneys of record until final judgment, including any appeals or settlement, and shall not be disclosed to any person, including attorneys who are not counsel of record, other than as permitted herein.

3. Any experts retained by any of the parties, whose advice or consultation is being or will be used by the parties in connection with preparation for trial of this action, may have access to Confidential Information, provided, however, that before such access is given, such experts shall be advised that they are bound by the terms of this Confidentiality Order.
4. Fact witnesses whose testimony is to be given by deposition or at trial in this litigation, and whose knowledge of facts is reasonably required in the prosecution of this litigation, may (if all parties agree through their counsel) have access to Confidential Information, provided, however, that before such access is given, each such individual shall be advised that he or she is bound by the terms of the Confidentiality Order. Counsel will confer in such circumstances and if no agreement is reached, they will present the dispute to the Court.
5. Confidential Information used during depositions must be expressly identified as “Confidential” in the transcript or other official record of the deposition. Confidential Information marked as deposition exhibits must be clearly marked as “Confidential” before those exhibits are included in any official transcription or record.
6. The parties may utilize the Confidential Information in pleadings submitted to the Court, provided that the party intending to utilize Confidential Information shall submit the Confidential Material under seal so that the pleading is only visible to the Court and the parties of record.
7. Subject to Rule 11-408 NMRA, the parties may utilize Confidential Information in private mediation, including disclosure of the Confidential Information to the

private mediator and other participants in the mediation. The private mediator must return all Confidential Information, including copies and summaries, to the party that provided the materials after the conclusion of the mediation.

8. The parties stipulate that nothing in the proposed Confidentiality Order shall preclude any party from contesting the relevance or admissibility of any material produced pursuant to this Order.
9. Nothing contained in the Stipulated Confidentiality Order shall be deemed to preclude any party from challenging any other party's designation of materials as "Confidential Information" and/or from seeking a subsequent court order granting relief, additional protection with respect to the confidentiality of documents or other discovery material, or from providing stipulated exceptions to the Stipulated Confidentiality Order. However, the parties shall negotiate in good faith concerning any dispute over the confidentiality of materials before raising the issue with the Court.
10. Within sixty (60) days of the conclusion of this litigation by settlement, final judgment, or by way of appeal, any and all documents designated "CONFIDENTIAL" shall be destroyed by the party in possession of them. Any documents created for or by a party which contains Confidential Information produced by the other party (or Confidential Information from the deposition of a non-party) shall be destroyed with the exception of any pleadings filed in the action which may be retained by counsel for archival purposes only.
11. The provisions of this Order shall survive this litigation.

IT IS SO ORDERED.


LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE

SUBMITTED BY: *(Prior to modification by the Court)*

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